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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 19 August 2021

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (A)

A meeting of the Licensing Act 2003 Sub-Committee (A) will be held remotely - via Microsoft Teams on **Wednesday, 25 August 2021 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. Licensing Act 2003: Section 105 Temporary Event Notice Rear Car Park of K2 Gym, Main Avenue, Brackla Industrial Estate, Bridgend 3 - 16

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Councillors:

TH Beedle

Councillors

MJ Kearn

Councillors

DRW Lewis

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB-COMMITTEE

25 AUGUST 2021

REPORT OF HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE

REAR CAR PARK OF K2 GYM, MAIN AVENUE, BRACKLA INDUSTRIAL ESTATE, BRIDGEND

1. Purpose of report

- 1.1 To ask the Sub-Committee to consider an Objection Notice submitted by the Environmental Health Department of the Council in respect of a Temporary Event Notice served on the licensing authority.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report relates to a regulatory function and as such has no link to the corporate well-being objectives.

3. Background

- 3.1 Upon receipt of the Temporary Event Notice the Relevant Persons can issue an Objection Notice. In these circumstances it is the duty of the licensing authority to hold a hearing to consider the Objection Notice, unless the premises user, the Relevant Persons which gave the Objection Notice and the authority agree that a hearing is unnecessary; and, having regard to the Objection Notice, give the premises user a counter notice under Section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of the licensing objectives to do so. The authority also has the power to apply existing premises licence conditions to the Temporary Event Notice.

4. Current situation/proposal

- 4.1 On 13 August 2021, the licensing authority received a Temporary Event Notice ("TEN") from Mark Holmes ("the premises user") in respect of the Rear Car Park of K2 Gymnasium, Main Avenue, Brackla Industrial Estate, Bridgend. A copy of the TEN is detailed in **Appendix A**.
- 4.2 The premises does not have the benefit of a Premises Licence. The event is for Roots Shack to take place on 28 August 2021 between 1200 to 2300 hours.

The maximum number of people at any one time to be present is 250.

4.3 The nature of the event has been described as:

“The event is called Roots Shack. The event comprises of a stage, bar and street food. We will adhere to current Government Covid guidelines.”

4.4 A copy of the TEN was served upon South Wales Police and the Council’s Environmental Health Department. The Environmental Health Department have submitted an Objection Notice in relation to the TEN to the licensing authority. A copy of the Objection Notice has been served on the premises user and is attached at **Appendix B**.

4.5 The licensing authority is aware that it is possible for the premises user and Environmental Health Department to enter into a period of discussion regarding the objections raised and that Section 106 of the Act enables the modification of the TEN with the agreement of all parties. Members are advised that the timescales governing TENs are relatively short and that, at the time this report was dispatched, the licensing authority had not been notified that any party had reached agreement.

4.6 The Objection Notice is to be treated as not having been withdrawn. A copy of the Premises Licence conditions will be available at the hearing. Sections 2 and 7 of the Home Office Guidance apply to this Notice. Section 13 of the Council’s Statement of Licensing Policy applies to this Notice.

4.7 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the TEN. Having considered the Objection Notice, the Sub-Committee has the following options:

- a) Allow the licensable activities to go ahead as stated in the TEN;
- b) If the TEN is in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
or
- c) If it considers that the event would undermine the licensing objectives and should not take place, give a counter notice.

5. Effect upon policy framework and procedure rules

There are no implications arising from this report.

6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 This is a regulatory function. The application process supports the principle of collaboration via consultation and public notice prior to determination of the application.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendation

The Sub-Committee is required to determine if a counter notice, which would prevent licensable activities from being authorised, should be issued.

K Watson
Head of Legal and Regulatory Services

19 August 2021

Contact Officer: Yvonne Witchell, Team Manager - Licensing

Telephone: 01656 643643

E mail: Yvonne.Witchell@bridgend.gov.uk

Address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents:

Statement of Licensing Policy:

www.bridgend.gov.uk

Statutory Guidance issued under Section 182 of the Licensing Act 2003 issued

March 2018: www.gov.uk

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Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
K 2 Gym Main Ave, Bridgend, CF31 2AG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
We will use the rear car park of the premises.	
Please describe the nature of the premises below. (Please read note 4)	
The premises are a gymnasium with car parks at the front and rear of the property. We will be using the rear car park.	
Please describe the nature of the event below. (Please read note 5)	
The event is called Roots Shack. The event comprises of a stage, bar and street food. We will adhere to current Government Covid guidelines.	

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)		<input checked="" type="checkbox"/>
The provision of late night refreshment		<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
14 th August		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
28 th August 12:00 to 23:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		250
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Music Stage (amplified music) - 12:00 – 23:00 (28th)</p> <p>Bar Area 12:00 – 23:00 (28th)</p>

4. Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence? (Please tick)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	██████████		
Licence number	██████████		
Date of issue	██████████		
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	4	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

b) begins 24 hours or less after the event period proposed in this notice?		
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	13/08/21
Name of Person signing	Mark Holmes

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix A

Regarding TENS21/052 – K2 Gym

I contacted Mr Holmes on the telephone on 16.08.2021 to query an anomaly on his TENs submission where the answer he had given to question 6 of Part 3 of the TENs submission form:

‘ Please state the dates on which you intend to use these premises for licensable activities’, the 14th August had been written, when for the answer to the following question:

‘ Please state the times during the event period that you propose to carry on licensable activities’, ‘28th August 12:00 to 23:00’ had been written.

Mr Holmes advised that he had typed over the previous TENs submission that he had made for 14th August and amended the dates to 28th August but must have missed that one.

He confirmed that the TENs being submitted was for 28th August 2021.

Eve Bradley 18.08.2021.

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From: Aston, Emma <easton@valeofglamorgan.gov.uk>
Sent: 17 August 2021 10:55
To: licensing <licensing@bridgend.gov.uk>
Subject: RE: Licensing Act 2003 - TENs

Dear Sir \ Madam,

I wish to object to the TENs on the grounds of prevention of public nuisance.

I have left a voicemail for the applicant to explain. We received a number of complaints about the previous TENs and I witnessed the bass music at the complaints property on 14th August 2021 and was satisfied that it was a statutory nuisance.

Kind regards



**Emma Aston | Swyddog Diogelu'r Amgylchedd | Neighbourhood Services Officer –
Neighbourhood Services**

Gwasanaethau Rheoliadol a Rennir | Shared Regulatory Services

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg | Bridgend, Cardiff and the Vale of Glamorgan

Ffon | Phone 0300123 6696

Ebost | Email: Easton@valeofglamorgan.gov.uk | Gwefan | Website: [Shared Regulatory Services](#)

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith.

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